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elections in them," rather than allowing it to rest in peace within the musty, secluded, original volumes.

The writers of the papers and reminiscences are impressed with the importance of establishing on the printed page the fifty-seven varieties of historical "firsts." Thanks to Mrs. E. Anderson, we are no longer in doubt about the identity of the first person ever baptized in the Nebraska river. Professor Alexis, unfortunately, has been unable to determine the exact time when the first Swede set foot on Nebraska soil. More successful and skillful in research has been Professor Hrbkova, who gives the names of the first and second Bohemians in America, although she is rather less certain about the first individual of that nationality in Nebraska. The first white woman to settle in Nemaha county, the first native white child of Richardson county, and the first irrigators of land in Scotts Bluff county have been summoned to the bar of history; but the reader must wait the appearance of later volumes to satisfy his curiosity relative to the first irrigation of land by the first native white. More important, if possible, than these "firsts" is the publication of a scrap of paper, in private keeping for thirty-four years, which "was the first move made in proceedings which ended in the impeachment and removal from office of the state of Nebraska's first governor." The pioneer's taste for cheese is clearly established, the first lawsuit in Nebraska having been brought by a hotel landlord to bring to justice the culprit who robbed him of half a cheese. That the first Nebraska land speculators shared the unscrupulousness of the brethren in the faith in other states appears in the story of a turkey advertised to have been killed on a certain town site, the truth of the matter being that the fowl was killed in Iowa and sent to the speculator by a friend.

It is to be hoped that succeeding *Publications* of the society will continue the high standard of "firsts"—so high that all other historical societies will abandon that fruitful field, leaving Nebraska preëminent.

GEORGE M. STEPHENSON

*The relation of the judiciary to the constitution.* By William M. Meigs. (Philadelphia: William J. Campbell, 1919. 248 p.)

"In my opinion, the evidence accessible today is a demonstration, only less certain than those of astronomy and mathematics, that the Judiciary was plainly pointed out by our history for the vast function it has exercised, and that it was expected and intended, both by the Federal Convention and the opinion of publicists of the day, to exercise that function." This sentence from the introduction of Mr. Meigs's monograph on the judiciary may be taken as the keynote of his work. He starts with an examination of colonial precedents and traces through the years before the adoption of the constitution the persistence of some-

thing of the notion which comes to us to-day as the doctrine of judicial review, or the function of the federal courts to pronounce upon the constitutionality both of state and of national statutes.

The first six chapters deal with the growth of the idea down to 1787, and the author concludes that the idea of the legitimate power of the court to test statutory law by fundamental law, whether it was an act of parliament, a colonial charter, or, after the revolution, a state constitution, was a well-established and recognized fact; that there was no innovation in Justice Marshall's much-heralded opinion in *Marbury v. Madison*, but merely a continuing along fairly well-defined lines.

Chapter 7 discusses the question of this function of the judiciary in the federal convention, while the three remaining chapters briefly trace the rapid spread of the doctrine during the national period. That this doctrine has been immovably rooted in our system Mr. Meigs does not contend. He ends his study, indeed, with a doubt: "It still remains to the future to show whether gradual historical growth has established the doctrine of Judicial Supremacy in our country, or whether, with the immense power of our Executive . . . the older doctrine will not crop up again, and the essential weakness of the Judiciary result in a complete denial to them of any Supremacy, or even the occasional refusal to allow the enforcement of specific decrees entered by them."

Purely legalistic in tone, with no attempt to estimate the various forces which have operated behind the courts, this little book is a very usable volume, containing as it does a summary of most of the available information upon the subject under discussion.

*The debates in the federal convention of 1787 which framed the constitution of the United States of America.* Reported by James Madison, a delegate from Virginia. International edition. Gaillard Hunt and James Brown Scott, editors. (New York: Oxford university press, 1920. 731 p. \$4.00)

One's first reaction to this title is a question as to why there should be added to the texts of Madison's notes already available still another. This question may be answered in more than one way. In the first place no one of the previous printings seems to have been collated so painstakingly with the original manuscript and the Payne transcript. All variations between the original manuscript, the Payne transcript, the text in the *Documentary history*, and Professor Farrand's *Records of the federal convention* have been noted. While, as Mr. Hunt in his introductory note states, no reproduction can hope to be absolutely unquestionable, nevertheless this probably comes as near to being so as is likely to be obtained. A second reason which justifies the printing of this book lies in the convenience of having in one volume not only Madison's notes